

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ROBERT JAY DAVIS,

Petitioner,

V.

Warden HILTON HALL,

Respondent.

CIVIL ACTION NO. 5:15-CV-435 (MTT)

ORDER

United States Magistrate Judge Charles H. Weigle recommends granting the Petitioner's motion to dismiss without prejudice his habeas petition (Doc. 12), denying the Petitioner's motion to stay (Doc. 12), and denying the Respondent's motion to dismiss (Doc. 7) for lack of exhaustion as moot. (Doc. 16). Further, to the extent the Petitioner directly challenges his judgment of conviction entered in Peach County Superior Court criminal action 10-CR-052, the Magistrate Judge recommends dismissing the claims as successive. (*Id.*). There is no objection to the Recommendation.

The Court has reviewed the Recommendation and accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. Accordingly, the Recommendation is **ADOPTED** and made the order of the Court. The Petitioner's motion to dismiss his habeas petition is **GRANTED**, and his motion to stay the case is **DENIED**. (Doc. 12). The Petitioner's habeas petition is **DISMISSED without prejudice**. The Respondent's motion to dismiss for lack of exhaustion is **DENIED as moot**. (Doc. 7). To the extent the Petitioner directly challenges his judgment of

conviction entered in Peach County Superior Court criminal action 10-CR-052, those claims are **DISMISSED as successive**.

SO ORDERED, this 23rd day of August, 2016.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT